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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,186	10/14/2003	Reynaldo J. Quintana	212/465	3771

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05/21/2007

EXAMINER

DEMILLE, DANTON D

ART UNIT	PAPER NUMBER
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3771

MAIL DATE	DELIVERY MODE
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05/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/686,186

Applicant(s)

QUINTANA ET AL.

Examiner

Danton DeMille

Art Unit

3771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-19 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-19 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

The present declaration recites Title 37, Code of Federal Regulations Sec. "1.56(a)". The entire rule has to be recited not just paragraph (a).

Specification

The specification is rejected under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate written description of the invention.

It is stated that the spool 42 engages spline 66 as shown in figures 6 and 7 and fed under the cover plate which is on the top surface of the platform as shown in figure 2 however, there is some confusion with the relationship of parts in figures 3-5. Figure 5 shows the load distribution sections 16, 17 on top with compression pad 65 which would be placed over the sternum of the chest. The belt's pull straps 18, 19 are shown fed through the belt guards 67, 68 on the upper side of the cover plate 44. It would seem that the pull straps 18, 19 should be fed through the belt guards 67, 68 underneath the cover plate 44. With the pull straps 18, 19 on the upper side of the cover plate 44, the platform would have to be inside the loop made by the belt in order for the spline 66 to engage the spool 42 within the platform. If this is true then the platform would be upside down in order for the spool 42 on the top surface of the platform to engage the spline 66

in the belt. The spool would be the lower part of the platform 4 as shown in figure 5 however, the spool 42 is in the top of the platform 4 as shown in figure 2. Moreover, the spline 66 would appear to be on the opposite side of the belt from the spool if the platform is inside the loop formed by the belt in figure 5. It is not clear why the top of the platform would be facing downwards in figure 5. Wouldn't the patient then be laying on the bottom of the platform during use?

Claims 1-14, 16-19, 21-24 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not adequately described as set forth in the above rejection to the specification.

Double Patenting

Claims 1-8 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 10-33 of copending Application No. 10/686549. Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending claims include the spline and slot arrangement in claim 33 and it would have been obvious to leave out the details of the channel beam.

Claims 9-13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 10-33 of copending Application No. 10/686549 in view of Morgan et al. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to include instructional labels to the device as taught by Morgan to assist the user in the operation of the device.

Claims 14, 16, 17, 22, 23, 24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 10-33 of copending Application No. 10/686549 in view of Bystrom et al. (US 6,090,056). Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to include a cover plate 27 as taught by Bystrom figure 7 to provide a portable system for performing chest compressions on a patient.

These are provisional obviousness-type double patenting rejections because the conflicting claims have not in fact been patented.

Response to Arguments

Applicant's arguments filed 6 March 2007 have been fully considered and are found persuasive.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

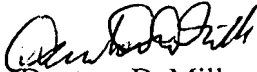
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danton DeMille whose telephone number is (571) 272-4974. The examiner can normally be reached on M-F from 8:30 to 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu, can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

17 May 2007


Danton DeMille
Primary Examiner
Art Unit 3771